

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**IN RE:**

**JON BENJAMIN KENNEDY  
MINDY RANDELL KENNEDY  
FKA MINDY RANDELL KING**

**DEBTORS**

**Case No.: BK-16-12086-JDL  
Chapter 13**

**OBJECTION TO CHAPTER 13 PLAN OF DEBTOR**

Comes now the secured creditor, Ditech Financial LLC, by their attorneys, Baer & Timberlake, P.C., and hereby objects to the Motion to Modify Chapter 13 Plan of Debtors. In support of this Objection, Ditech Financial LLC would show the Court as follows:

1. Ditech Financial LLC is the holder of a purchase money note and mortgage on the residence, ("mortgaged property") of Debtor.
2. The Motion to Modify Ch 13 Plan proposes for the Debtors' payments to be suspended for three (3) months, leaving Ditech Financial LLC with no adequate protection and/or payments during this time. Suspending payments to Ditech Financial LLC for three (3) months would also subject Debtors to an arrearage in excess of \$3,000.00 in addition to maintaining their current mortgage payments.
3. Debtors have not filed Amended Schedules I (income) and/or J (expenses).
4. The reasons given in support of Debtors' request are speculative: alphabetical paragraph C of Debtors' Motion – "income ... varies..."; alphabetical paragraph H of Debtors' Motion – "Debtors believe in good faith they will be able to begin making payment again in January, 2018 and pledge their best efforts to do so."

WHEREFORE, PREMISES CONSIDERED, secured creditor, Ditech Financial LLC, moves the Court to reject the proposed Modified Chapter 13 Plan of Debtor and/or to grant adequate

protection and/or for such other and further relief as Ditech Financial LLC may be entitled.

DITECH FINANCIAL LLC,

By: s/ Matthew J. Hudspeth  
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Attorney for Movant

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a true and correct copy of the above and foregoing Objection with postage thereon fully prepaid to the parties listed below on November 22, 2017.

Jon Benjamin Kennedy  
Box 271  
Blanchard, OK 73010

Mindy Randell Kennedy  
Box 271  
Blanchard, OK 73010

The following persons should have received notice of the above and foregoing instrument on the same day it was filed by the Court's CM/ECF Electronic Noticing System.

John T. Hardeman  
P.O. Box 1948  
Oklahoma City, OK 73101

James Branum  
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Newcastle, OK 73065

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